

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed repeal of)	NOTICE OF PROPOSED REPEAL
ARM 24.156.901 fees, 24.156.902)	
applications, 24.156.903 approval of)	
schools, 24.156.904 reciprocity licenses,)	NO PUBLIC HEARING
and 24.156.905 renewals pertaining to)	CONTEMPLATED
osteopathic physicians)	

TO: All Concerned Persons

1. On February 16, 2007, the Board of Medical Examiners (board) proposes to repeal the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., on February 2, 2007, to advise us of the nature of the accommodation that you need. Please contact Jeannie Worsch, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsmed@mt.gov.

3. The rules proposed to be repealed are as follows:

24.156.901 FEES found at ARM page 24-15171.

AUTH: 37-1-134, MCA
IMP: 37-5-302, 37-5-303, 37-5-307, MCA

24.156.902 APPLICATIONS found at ARM page 24-15171.

AUTH: 37-3-203, MCA
IMP: 37-5-301, MCA

24.156.903 APPROVAL OF SCHOOLS found at ARM page 24-15171.

AUTH: 37-3-203, MCA
IMP: 37-5-302, MCA

24.156.904 RECIPROCITY LICENSES found at ARM page 24-15171.

AUTH: 37-3-203, MCA
IMP: 37-5-303, MCA

24.156.905 RENEWALS found at ARM page 24-15172.

AUTH: 37-3-203, MCA

IMP: 37-5-307, MCA

REASON: The board determined there is reasonable necessity to repeal ARM 24.156.901 through 24.156.905 as section 32, chapter 224, L. 2003 (Senate Bill 109) repealed the remaining statutes regarding osteopathy. These rules are no longer necessary because osteopathic physicians are regulated under general medical licensing statutes found in Title 37, chapter 3, MCA, and the administrative rules implementing the statutes.

4. Concerned persons may submit their data, views, or arguments concerning the proposed rules in writing to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsmed@mt.gov, to be received no later than 5:00 p.m., February 9, 2007.

5. If persons who are directly affected by the proposed rules wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsmed@mt.gov. The comments must be received no later than February 9, 2007.

6. If the board receives requests for a public hearing on the proposed rules from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 0 persons based on there are no licensed osteopathic physicians in Montana.

7. An electronic copy of this Notice is available through the department and board's site on the World Wide Web at <http://www.medicalboard.mt.gov>. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The Board of Medical Examiners maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the Board of Medical Examiners. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Medical Examiners administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdmed@mt.gov, or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF MEDICAL EXAMINERS
MICHAEL D. LAPAN, DPM, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 2, 2007